

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAMES H. WILLIAMS,	:	
	Plaintiff	:
	:	No. 1:01-CV-0280
v.	:	
	:	Judge Kane
RICHARD L. SPAIDE,	:	
	Defendant	: Electronically Filed Document

STATEMENT OF MATERIAL FACTS

1. Plaintiff James H. Williams is an inmate housed at the State Correctional Institution at Green (“SCI-Greene”). (Complaint).

2. Plaintiff Williams was housed at SCI-Mahanoy on February 8, 1999. (Exhibit 1 at ¶¶ 3, 4 Complaint).

3. On February 8, 1999, Defendant Richard Spaide was the I-Unit Manager at SCI-Mahanoy and was familiar with Plaintiff Williams. (Exhibit 1 at ¶¶ 2, 3).

4. On Monday, February 8, 1999, at approximately 0755 hours, Defendant Spaide entered I-Unit main vestibule with inmate Crockett (inmate #DT-2992). Defendant Spaide turned around and pushed open the B-pod door with his left shoulder as he continued a conversation with inmate Crockett who was entering A-pod. Inmate Bryant (inmate #DT-1618) was using one of the inmate telephones which are located just inside the B-pod entrance door. (Exhibit 1 at ¶ 4).

5. At the time Defendant Spaide was pushing open the door with his left shoulder he was knocked to the floor by a blow to the back of his head just behind his right ear. Defendant Spaide initially thought that the pod door had slammed shut on him. (Exhibit 1 at ¶ 5).

6. As Defendant Spaide was getting up he was struck on the left side of the face. It was then that Defendant Spaide realized that he was being assaulted by an inmate. (Exhibit 1 at ¶ 6).

7. As Defendant Spaide stood up he was punched in the right eye by the inmate. (Exhibit 1 at ¶ 7).

8. Defendant Spaide then noticed that the assailant was inmate Williams (inmate #AY-8692), the Plaintiff in this litigation. (Exhibit 1 at ¶ 8).

9. Defendant Spaide grabbed Plaintiff Williams around the waist and forced him into the wall. At that time Corrections Officer Steinhilber arrived and

subdued Plaintiff Williams until Corrections Officer Williams arrived and handcuffed Inmate Williams. (Exhibit 1 at ¶ 9).

10. Plaintiff Williams was immediately taken to the medical department by the escorting officers. (Exhibit 1 at ¶ 10).

11. Defendant Spaide received first aide treatment at the SCI-Mahanoy dispensary and was then taken to the Pottsville Hospital for follow-up medical treatment. (Exhibit 1 at ¶ 11).

12. As a result of the assault on February 8, 1999, Defendant Spaide sustained injuries to and around his right eye. (Exhibit 1 at ¶ 12).

13. Defendant Spaide did not “elbow” Plaintiff Williams or come in contact with him in any other way before Plaintiff Williams hit Defendant Spaide on the back of the head and began the assault on Defendant Spaide. (Exhibit 1 at ¶ 13).

14. As a result of the assault, Plaintiff Williams was immediately transferred to SCI-Coal Township, on a temporary basis, and then he was transferred to SCI-Greene. (Exhibit 1 at ¶ 14).

15. Plaintiff Williams received misconduct #103901 for his assaultive behavior and failure to obey an order on February 8, 1999. (Exhibit 1 at ¶¶ 15, 16 and Exhibit 2).

16. Plaintiff Williams was found guilty of misconduct #103901 and received ninety (90) days of disciplinary confinement and was also directed to pay full restitution for all medical and other expenses incurred due to the February 8, 1999 incident. (Exhibit 1 at ¶ 17).

17. Criminal charges of aggravated assault, assault by a prisoner and simple assault were brought against Plaintiff Williams in Schuylkill County as a result of the February 8, 1999 assault on Defendant Spaide. (Exhibit 1 at ¶¶ 18, 20 and Exhibit 3).

18. Plaintiff was found guilty and sentenced to six (6) to twelve (12) years for the charges that were brought. (Exhibit 1 at ¶¶ 19, 20 and Exhibit 3).

19. The Department of Corrections has in place an inmate grievance system, DC-ADM 804, through which an inmate may file a grievance complaining of staff behavior, among other issues. (Exhibit 1 at ¶¶ 21, 22 and Exhibit 4).

20. Plaintiff Williams did not file any grievance raising the issue of Defendant Spaide's alleged "assault" of Plaintiff on February 8, 1999. (Exhibit 1 at ¶ 23).

Respectfully submitted,

Gerald J. Pappert
Attorney General

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Dated: July 22, 2004

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FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JAMES H. WILLIAMS,	:	
	Plaintiff	:
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		Judge Kane
		:
RICHARD L. SPAIDE,		:
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CERTIFICATE OF SERVICE

I, Linda S. Lloyd, Deputy Attorney General for the Commonwealth of Pennsylvania, hereby certify that on July 22, 2004, I served a true and correct copy of the foregoing Statement of Material Facts with Supporting Exhibits, by causing it to be deposited in the United States Mail, first-class postage prepaid to the following:

James H. Williams, AY-8692
SCI Greene
175 Progress Drive
Waynesburg, PA 15370

s/ Linda S. Lloyd
LINDA S. LLOYD
Deputy Attorney General